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CALIFORNIA RESTAURANT ASSOCIATION

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

CALIFORNIA RESTAURANT  
ASSOCIATION,

Plaintiff,

v.

THE CITY AND COUNTY OF SAN  
FRANCISCO and THE SAN FRANCISCO  
DEPARTMENT OF PUBLIC HEALTH,

Defendants.

Case No. C 08-03247 CW

**PLAINTIFF'S AMENDED NOTICE OF  
MOTION FOR DECLARATORY  
RELIEF AND A PRELIMINARY  
INJUNCTION**

Honorable Claudia Wilken

Hearing Date: September 4, 2008

Hearing Time: 2:00 p.m.

Courtroom: Courtroom 2, 4th Floor

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE AS AMENDED that on September 4, 2008 at 2:00 p.m., or as  
 3 soon thereafter as the matter may be heard, in the courtroom of the Honorable Claudia Wilken,  
 4 located in Courtroom 2, 4<sup>th</sup> Floor, of the Oakland Division of the United States District Court for  
 5 the Northern District of California, at 1301 Clay Street, Oakland, California, Plaintiff California  
 6 Restaurant Association ("Plaintiff") will move, and has moved, this Court for an order granting  
 7 Plaintiff a declaratory judgment and preliminary injunction in Plaintiff's action pursuant to 42  
 8 U.S.C. § 1983 enjoining the San Francisco Department of Public Health from enforcing Ordinance  
 9 40-08 on grounds of federal preemption, state preemption and violation of the right to freedom of  
 10 speech guaranteed by the First Amendment of the United States Constitution and article I, section 2  
 11 of the California Constitution of those restaurants within the purview of the Ordinance.

12 This Amended Notice is filed in order to reschedule the previously noticed hearing of  
 13 September 4, 2008 at 9:30 a.m. Upon filing the Complaint and the Motion for Declaratory Relief  
 14 and a Preliminary Injunction ("Motion") on July 3, 2008, this action was assigned to the Honorable  
 15 Claudia Wilken. Thus, Plaintiff has rescheduled the hearing to take place on September 4, 2008 at  
 16 2:00 p.m in the Courtroom of the Honorable Claudia Wilken in accordance with Judge Wilken's  
 17 Standing Order.

18 Plaintiff's Motion is based on this Amended Notice of Motion, the Motion and supporting  
 19 Memorandum of Points and Authorities and Appendix thereto (filed on July 3, 2008), the  
 20 supporting Declaration of Sarah Esmaili and the exhibits thereto (filed on July 3, 2008), the papers  
 21 and pleadings on file in this action and upon such further briefs, evidence, and oral argument as may  
 22 be presented to the Court in connection with this Motion.

23 Dated: July 8, 2008

ARNOLD & PORTER LLP

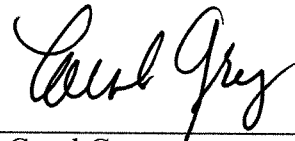
24  
 25 By: Trenton H. Norris / SE  
 26 Trenton H. Norris  
 27 Attorneys for Plaintiff  
 28 CALIFORNIA RESTAURANT  
 ASSOCIATION

**CERTIFICATE OF SERVICE**

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action. My business address is 90 New Montgomery Street, Suite 600, San Francisco, California 94105-4549. On July 8, 2008, I caused to be hand-delivered a true and correct copy of the foregoing AMENDED NOTICE OF MOTION FOR PLAINTIFF'S MOTION FOR DECLARATORY RELIEF AND A PRELIMINARY INJUNCTION to the following individual(s):

Francesca Gessner, Deputy City Attorney  
Tara Steeley, Deputy City Attorney  
San Francisco City Attorney's Office  
1 Dr. Carlton B. Goodlett Place, Room 234  
San Francisco, CA 94102-4682

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made and that this Declaration was executed on July 8, 2008, at San Francisco, California.



\_\_\_\_\_  
Carol Grey